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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/870,091	05/30/2001	James E. Doyle	SUS01 P314	8506
277	7590	06/23/2004	EXAMINER	
PRICE HENEVELD COOPER DEWITT & LITTON, LLP			MARSH, STEVEN M	
695 KENMOOR, S.E.			ART UNIT	
P O BOX 2567			PAPER NUMBER	
GRAND RAPIDS, MI 49501			3632	

DATE MAILED: 06/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/870,091

Applicant(s)

DOYLE ET AL.

Examiner

Steven M Marsh

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 April 2004.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-20 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

This is the fifth office action for U.S. Application 09/870,019 for a Motor Mount filed by James E. Doyle et al. on May 30, 2001.

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on April 5, 2004 has been entered.

Claim Rejections - 35 USC § 103

Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over the prior art disclosed by Applicant in view of Baker, and in further view of U.S. Patent 5,224,429 to Borgman et al. The prior art disclosed by Applicant (Page 1, lines 11-21) discloses a motor assembly with a drive shaft extending therefrom for coupling to a drive screw (page 1, line 14-16). The drive screw extends into a telescopic leg assembly and couples to a drive nut for extending or retracting one leg with respect to another. There is a base on top of the inner leg and the motor housing is attached to the base by at least one threaded fastener.

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The prior art disclosed by Applicant does not specifically disclose a pin extending from a motor mounting plate as the fastener for fastening the motor assembly to the base and it does not disclose a rubber grommet inside of an aperture in the base for receiving the pin. Baker discloses a means and method for reducing vibration and noise between an electric motor (1) and its application. The motor has an endshield (15) with four tapered pins (25) extending therefrom parallel to a drive shaft (13), for securing the motor to the application. The drive shaft is connected to the motor assembly, extends through an aperture in the base, and a bearing between the base and the drive shaft.

The application has a plate (23) that has four apertures (17) with four rubber grommets (29) for receiving the studs that extend from the motor and isolating vibration between the motor assembly and the application. It would have been obvious to one of ordinary skill in the art at the time of the present invention to have utilized rubber grommets in the apertures of the base taught by the prior art, as taught by Baker, for the purpose of receiving the pins or fasteners of a motor assembly and isolating vibration between the motor and the application.

Baker does not disclose the specific angle of the taper of the pins, but that is a matter of design preference that would have been obvious to one of ordinary skill in the art at the time of the present invention. Baker also fails to disclose a pin with a majority of its tapered portion in contact with the elastomeric element. However, Baker does disclose that it is conventional in the prior art to make the grommet bore substantially the same as the shape of the pin. It would have

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been obvious to one of ordinary skill in the art at the time of the present invention to have utilized a bore such as that which is conventional in the prior art as a matter of design preference.

The prior art disclosed by Applicant in view of Baker, does not disclose a thrust bearing and washer extending between the base and the drive screw. Borgman et al. discloses a telescopic leg assembly with a drive screw (53 and 62) extending through a base (66). The drive screw has a thrust bearing (56) between the base and drive screw that receives forces from the drive screw. It would have been obvious to one of ordinary skill in the art at the time of the present invention to have provided a thrust bearing between the drive shaft and base in place of the bearing taught by taught by the prior art disclosed by Applicant in view of Baker, as taught by Borgman et al., for the purpose of receiving forces.

Response to Arguments

The Examiner would like to clarify Applicant's misunderstanding regarding the interview of March 5, 2004. The Examiner only recommended that the language "a majority of" would be more definitive in comparison to "a substantial portion of", which is broader.

Conclusion


Any inquiry concerning this communication or earlier communications from

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the examiner should be directed to Steven Marsh whose telephone number is (703) 305-0098. The examiner can normally be reached on Monday-Friday from 8:00AM to 4:30 PM. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-2168. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

SM
Steven Marsh

June 16, 2004


LESLIE A. BRAUN
SUPERVISORY PATENT EXAMINER